

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1345

Introduced by Senator Berryhill

(Coauthor: Senator Gaines)

(Coauthors: Assembly Members Dahle and Mathis)

February 19, 2016

An act to amend Section 38026.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, as amended, Berryhill. Vehicles: off-highway vehicle recreation: County of Inyo.

Existing law authorizes an off-highway motor vehicle that has been issued a plate or device to be operated or driven upon a highway under certain circumstances. Existing law authorizes various public entities, and the Director of the Department of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met. Existing law prohibits a highway from being designated for this combined use for a distance of more than 3 miles.

Existing law, until January 1, 2017, authorizes the County of Inyo to establish a pilot project that would exempt specified combined-use highways in the unincorporated area in the County of Inyo from this prohibition to link together existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide

a unified linkage of trail systems for off-highway motor vehicles, as prescribed. Existing law requires the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2016, as specified.

This bill would extend the operation of these provisions until January 1, 2020, and would extend the reporting deadline until January 1, 2019. For purposes of the pilot project described above, the bill would prohibit a combined-use highway road segment ~~or combination of adjacent combined-use highway road segments from exceeding 10 miles. from exceeding 10 miles, except as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to develop additional data to better evaluate whether a
3 combined-use highways system is workable in ~~other counties~~
4 ~~beyond~~ the County of Inyo. It is further the intent of the Legislature
5 that no General Fund moneys be expended for the pilot project
6 established by this act, and the project will be revenue neutral to
7 the state.

8 SEC. 2. Section 38026.1 of the Vehicle Code is amended to
9 read:

10 38026.1. (a) Except as provided in subdivision (e), the County
11 of Inyo may establish a pilot project to designate combined-use
12 highways on unincorporated county roads in the county for no
13 more than 10 miles so that the combined-use highways can be used
14 to link existing off-highway motor vehicle trails and trailheads on
15 federal Bureau of Land Management or United States Forest
16 Service lands, and to link off-highway motor vehicle
17 recreational-use areas with necessary service and lodging facilities,
18 in order to provide a unified system of trails for off-highway motor
19 vehicles, preserve traffic safety, improve natural resource
20 protection, reduce off-highway vehicle trespass on private land,
21 and minimize impacts on county residents.

22 (b) A pilot project established pursuant to this section shall do
23 all of the following:

1 (1) Prescribe a procedure for highway, road, or route selection
2 and designation. The procedure shall be approved by a vote of a
3 majority of the county's board of supervisors.

4 (2) Prescribe a procedure for the county to remove a
5 combined-use designation, including a designation that is removed
6 as a result of the conclusion of the pilot program.

7 (3) In cooperation with the Department of Transportation,
8 establish uniform specifications and symbols for signs, markers,
9 and traffic control devices to control off-highway motor vehicles,
10 including, but not limited to, the following:

11 (A) Devices to warn of dangerous conditions, obstacles, or
12 hazards.

13 (B) Designations of the right-of-way for regular vehicular traffic
14 and off-highway motor vehicles.

15 (C) A description of the nature and destination of the
16 off-highway motor vehicle trail.

17 (D) Warning signs for pedestrians and motorists of the presence
18 of off-highway motor vehicle traffic.

19 (4) Require that off-highway motor vehicles subject to the pilot
20 project meet the safety requirements of federal and state law
21 regarding proper drivers' licensing, helmet usage, and the
22 requirements pursuant to Section 38026.5.

23 (5) Prohibit off-highway motor vehicles from traveling faster
24 than 35 miles per hour on highways designated under this section.

25 (6) (A) Prohibit a combined-use highway road segment ~~or~~
26 ~~combination of adjacent combined-use highway road segments~~
27 designated under this section from exceeding 10 miles.

28 (B) *Notwithstanding subparagraph (A), two or more*
29 *combined-use highway road segments may share a common*
30 *starting point or ending point and may partially overlap as long*
31 *as the resulting network of the highway road segments does not*
32 *include more than three distinct locations of shared starting or*
33 *ending points, or both.*

34 (7) Include an opportunity for public comment at a public
35 hearing held by the county in order to evaluate the pilot project.

36 (c) A pilot project established pursuant to this section may
37 include use of a state highway, subject to the approval of the
38 Department of Transportation, or any crossing of a highway
39 designated pursuant to Section 38025.

(d) (1) By selecting and designating a highway for combined use pursuant to this section, the county agrees to defend and indemnify the state against any and all claims, including legal defense and liability arising from a claim, for any safety-related losses or injuries arising or resulting from use by off-highway motor vehicles of a highway designated as a combined-use highway by the county's board of supervisors pursuant to this section.

(2) This subdivision does not alter the requirements of subdivision (e).

(e) The county shall not designate a highway for combined use pursuant to this section unless the Commissioner of the Department of the California Highway Patrol finds that designating the highway for combined use would not create a potential traffic safety hazard.

(f) Not later than January 1, 2019, the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing all of the following:

(1) A description of the road segments designated to allow combined use for over three miles, as approved or adopted by a majority vote of the members of the Inyo County Board of Supervisors.

(2) An evaluation of the overall safety and effectiveness of the pilot project, including its impact on traffic flows, safety, off-highway vehicle usage on existing trails, incursions into areas not designated for off-highway vehicle usage, and nonmotorized recreation.

(3) A description of the public comments received at a public hearing held by the county in regards to an evaluation of the pilot project.

(g) (1) A report submitted pursuant to subdivision (f) shall be submitted in compliance with Section 9795 of the Government Code.

(2) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.